

1 Alison K. Hurley, State Bar No. 234042
ahurley@bremerwhyte.com
2 Tiffany L. Bacon, State Bar No. 292426
tbacon@bremerwhyte.com
3 BREMER WHYTE BROWN & O'MEARA LLP
20320 S.W. Birch Street
4 Second Floor
Newport Beach, California 92660
5 Telephone: (949) 221-1000
Facsimile: (949) 221-1001

6 Attorneys for Defendants,
7 FRANK FERRARA and CHARLIE FERRARA

8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10
11 CORY SPENCER, an individual; DIANA
12 MILENA REED, an individual; and
13 COASTAL PROTECTION RANGERS,
INC., a California non-profit public
benefit corporation,

14 Plaintiff,

15 vs.

16 LUNADA BAY BOYS; THE
17 INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but not
limited to SANG LEE, BRANT
18 BLAKEMAN, ALAN JOHNSTON AKA
JALIAN JOHNSTON, MICHAEL RAE
19 PAPAYANS, ANGELO FERRARA,
FRANK FERRARA, CHARLIE
20 FERRARA; CITY OF PALOS VERDES
ESTATES; CHIEF OF POLICE JEFF
21 KEPLEY, in his representative capacity;
and DOES 1-10,

22 Defendants.
23

Case No. 2:16-cv-2129
Judge: Hon. S. James Otero
Dept: Courtroom 10C

Magistrate Judge:
Hon. Rozella A. Oliver

**DECLARATION OF TIFFANY
BACON IN SUPPORT OF FRANK
FERRARA'S AND CHARLIE
FERRARA'S OPPOSITION TO
PLAINTIFFS' MOTION FOR
ADMINISTRATIVE RELIEF
PURSUANT TO FRCP 56(d)**

Date: September 5, 2017
Time: 10:00 a.m.
Dept: Courtroom 10C

Complaint Filed: March 29, 2016
Trial Date: November 7, 2017

24 I, Tiffany Bacon, declare as follows:

25 1. I am an attorney at law duly licensed to practice before the United States
26 District Court for the Central District of California and am an associate with the law
27 firm of Bremer Whyte Brown & O'Meara LLP, counsel of record for Defendants
28

1 FRANK FERRARA and CHARLIE FERRARA (hereinafter the “Ferraras”) in this
2 action. Except for those facts stated upon information and belief, I have personal
3 knowledge of the facts set forth in this declaration and, if called as a witness, could
4 and would competently testify to such facts under oath.

5 2. The Newport Beach office of Bremer Whyte Brown & O’Meara LLP
6 filed notices of appearance in this matter on March 29, 2017. (Docket Nos. 236 and
7 237.)

8 3. On April 14, 2017, I received my first email from Plaintiffs’ counsel
9 demanding a call with Magistrate Judge Oliver, without receiving any prior efforts
10 from Plaintiffs’ counsel to meet and confer regarding Plaintiffs’ issues with the
11 Ferraras’ discovery responses. A true and correct copy of these correspondences are
12 attached hereto as **Exhibit A**.

13 4. I had a telephonic meet and confer with Plaintiffs’ counsel, Samantha
14 Wolff, on April 21, 2017. Ms. Wolff did not respond to my follow-up
15 correspondence until May 1, 2017.

16 5. Plaintiffs served the Ferrara with six additional sets of discovery on or
17 about June 8, 2017.

18 6. Plaintiffs’ counsel was informed on many occasions that the Ferraras
19 were taking steps to obtain their cell phone records from their provider.

20 7. On June 27, 2017, I received a letter from Plaintiffs’ counsel further
21 demanding a telephonic hearing with Magistrate Judge Oliver. A true and correct
22 copy of this letter is attached hereto as **Exhibit B**.

23 8. On or about July 3, 2017, I had a telephone conversation with Plaintiffs’
24 counsel, Ms. Wolff, wherein she requested to me for the first time a full extraction
25 report of the Ferraras’ cell phones.

26 9. My office began taking steps to extract the cell phone data from the
27 Ferraras’ cell phones, and Plaintiffs’ counsel was informed of these efforts.

28

1 10. On July 10, 2017, the date of my client Frank Ferrara's deposition,
2 Plaintiffs' counsel sent an email demanding a telephonic hearing, which I was not
3 able to respond to until the evening after the conclusion of the deposition, as I was
4 counsel defending Frank Ferrara's deposition. A true and correct copy of this
5 correspondence is attached hereto as **Exhibit C**.

6 11. After a hearing with Magistrate Judge Oliver on July 13, 2017, the
7 Ferraras were given only four days to produce responsive documents from the cell
8 phone imaging and responsive cell phone bills and records, having informed the
9 Court that an extraction of the Ferraras' cell phones was not yet complete and that
10 there was potential the documents might not be ready for production in the allotted
11 time.

12 12. The Ferraras were unable to complete the extraction of data from their
13 cellular phones until July 16, 2017, which resulted in over 3,200 pages of documents,
14 the majority of which was required to be vetted for actual responsive information to
15 Plaintiffs' document requests.

16 13. On July 17, 2017, my office produced 1,200 pages of responsive
17 documents in accordance with the July 13, 2017 order of the Court.

18 14. I received a letter from Plaintiffs' counsel on July 18, 2017 indicating
19 the foregoing production was improperly redacted, to which I explained to Plaintiffs'
20 counsel the redactions were made for the production of only responsive information.
21 True and correct copies of these correspondences are attached hereto as **Exhibit D**.

22 15. Despite explaining the reasonable basis for the redactions to Plaintiffs'
23 counsel and further informing them the remaining responsive documents would be
24 produced as expeditiously as possible, Plaintiffs' counsel demanded another
25 telephonic hearing with Magistrate Judge Oliver, which was held on July 26, 2017
26 pursuant to the Court's availability. The Court made no further order regarding the
27 Ferraras' production of documents, only setting a briefing schedule for Plaintiffs'
28

1 desired motion for sanctions. See the Court's Order of July 26, 2017 attached as
2 Exhibit 15 to the Wolff Declaration.

3 16. On or about July 27, 2017, the Ferraras made their last production of
4 documents for those in the possession of the Ferraras.

5 17. A true and correct copy of excerpts from the Deposition of Sang Lee in
6 this action are attached hereto as **Exhibit E** and incorporated herein by this
7 reference.

8 18. A true and correct copy of excerpts from the Deposition of Frank
9 Ferrara in this action are attached hereto as **Exhibit F** and incorporated herein by this
10 reference.

11 19. A true and correct copy of excerpts from the Deposition of Charlie
12 Ferrara in this action are attached hereto as **Exhibit G** and incorporated herein by
13 this reference.

14 20. A true and correct copy of excerpts from the Deposition of N.F. in this
15 action are attached hereto as **Exhibit H** and incorporated herein by this reference.

16 21. A true and correct copy of the Declaration of Leo Ferrara is attached
17 hereto as **Exhibit I** and incorporated herein by this reference.

18 I declare under penalty of perjury under the laws of the United States of
19 America that the foregoing is true and correct.

20 Executed on this 15 day of August 2017, at Newport Beach, California.

21
22
23 
24 Tiffany Bacon

Exhibit A

Hailey Williams

From: Tiffany L. Bacon
Sent: Monday, April 17, 2017 12:24 PM
To: Samantha Wolff; Patrick Au; Lital Ruimy; Alison Hurley
Cc: Kurt A. Franklin; 'Victor Otten'; Ambra S. Jackson; Ann D. Ghiorso; Tiffany L. Bacon
Subject: RE: Lunada Bay - Discovery follow-up

Samantha,

As you are aware, Ms. Hurley and I have recently filed our notices of appearance in this matter. It is our understanding the only correspondence you have sent to our offices on this issue was your March 21st email (in which we were not included), on which you are only now following up. We have received no letter from you requesting a conference or telephone call on this issue.

The local rules of the Central District require a formal conference between the parties prior to seeking any relief from the court. No such conference has been requested by you or any other counsel on behalf of the Plaintiffs. There has been no meet and confer in good faith to resolve this issue. As such, a call with the Magistrate judge is inappropriate at this time until we sufficiently meet and confer on this issue. Ms. Hurley and I are available this week for a call with you to discuss. Please let us know when you are free.

Moreover, you do not identify which November 11, 2016 discovery request you are referring to in your recent email so that we can respond accordingly. Additionally, we do not have possession of the privilege log apparently produced by Defendant Sang Lee in this action. Please provide us with a courtesy copy of this document so that we may better address your demands.

Please let us know when you are available this week so that we can discuss the foregoing issues.

Thank you,

Tiffany L. Bacon

Bremer Whyte Brown & O'Meara, LLP
20320 S.W. Birch Street 2nd Floor
Newport Beach, CA 92660

949.221.1000
949.221.1001 fax
www.bremerwhyte.com

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Berkeley • Phoenix • Denver • Riverside • Reno

From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Friday, April 14, 2017 2:55 PM
To: Patrick Au; Lital Ruimy; Alison Hurley; Tiffany L. Bacon
Cc: Kurt A. Franklin; 'Victor Otten'; Ambra S. Jackson; Ann D. Ghiorso
Subject: RE: Lunada Bay - Discovery follow-up

Dear counsel,

Please provide your availability for a call with the Magistrate next week. I never received a response to my email below, and more importantly, we never received any responses to the below-referenced interrogatories.

Additionally, several months ago I asked Ms. Bell to let me know whether your clients would be providing copies of their phone bills and text messages in accordance with our November 11, 2016 discovery request. Although your clients stated that they do not possess any documents in response to these requests, not only do they have access to their phone bills (and are thus obligated to produce them), but they also have communicated with co-defendants in this matter (as demonstrated in Sang Lee's privilege log which references text messages between these co-defendants). These communications must be produced, and we will therefore also seek the Magistrate's assistance in this regard.

Thank you.

Sincerely,
Samantha

From: Samantha Wolff
Sent: Tuesday, March 21, 2017 3:37 PM
To: 'pau@bremerwhyte.com' <pau@bremerwhyte.com>; Eileen Gaisford (egaisford@bremerwhyte.com) <egaisford@bremerwhyte.com>; Lital Ruimy (lruimy@bremerwhyte.com) <lruimy@bremerwhyte.com>
Cc: Kurt A. Franklin <kfranklin@hansonbridgett.com>; Victor Otten <vic@ottenlawpc.com>; Ambra S. Jackson <AJackson@hansonbridgett.com>; Ann D. Ghiorso <aghiorso@hansonbridgett.com>
Subject: Lunada Bay - Discovery follow-up

Dear Eileen,

I'm writing regarding Plaintiff Spencer's first set of interrogatories to Defendants Charlie and Frank Ferrara (consisting of one interrogatory to each defendant) served January 13, 2017, and Plaintiff Reed's first set of interrogatories to Defendant Frank Ferrara (consisting of 18 interrogatories) served February 1, 2017. We received no responses to any of these discovery requests, and certainly Defendants' opportunity to assert objections is now waived. Please provide responses to these interrogatories by Friday, March 24th. If your clients fail to do so, we will seek relief from the court.

Thank you for your anticipated cooperation.

Sincerely,
Samantha

Samantha Wolff

Partner

Hanson Bridgett LLP
(415) 995-5020 Direct
(415) 995-3547 Fax
swolff@hansonbridgett.com



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immediately notify the sender by telephone or email, and permanently delete all copies, electronic or other, you may have.

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Exhibit B

SAMANTHA D. WOLFF
PARTNER
DIRECT DIAL (415) 995-5020
DIRECT FAX (415) 995-3547
E-MAIL swolff@hansonbridgett.com



June 27, 2017

VIA ELECTRONIC MAIL ONLY

Alison Hurley
Bremer Whyte Brown & O'Meara, LLP
20320 S.W. Birch Street 2nd Floor
Newport Beach, CA 92660
ahurley@bremerwhyte.com

Tiffany Bacon
Bremer Whyte Brown & O'Meara, LLP
20320 S.W. Birch Street 2nd Floor
Newport Beach, CA 92660
tbacon@bremerwhyte.com

Re: *Cory Spencer, et al. v. Lunada Bay Boys, et al.*

Dear Ms. Hurley and Ms. Bacon:

On November 16, 2016, Plaintiffs propounded requests for production of documents on Defendants Charlie and Frank Ferrara. Among other items, the requests sought copies of these defendants' cell phone bills and relevant text messages. (See Request Nos. 5 (text messages with surfers who regularly surf Lunada Bay), 7 (text messages or records of phone calls with a co-defendant), 40 (cell phone bills since January 1, 2013), attached.) Both defendants responded that they did not possess any responsive documents to any document request. And to date, neither defendant has produced any documents in this case.

Beginning in January 2017, I met and conferred with your predecessor, Laura Bell, several times to discuss this issue. Specifically, I requested that your clients produce their phone records (including call logs) and text messages. Although both Charlie and Frank Ferrara's discovery responses stated that they did not possess any responsive documents, a review of co-Defendant Sang Lee's privilege log indicates that he regularly communicated with Charlie and Frank Ferrara. (See, e.g., December 29, 2016 Sang Lee Privilege Log, at Lee 0000105, Lee 0000106, Lee 0000108, Lee 0000109, referencing incoming and outgoing text messages between Sang Lee, Charlie Ferrara, and "Franky Ferrara," among others.) No objections on the basis of privilege were asserted by either Defendant in their discovery responses. Accordingly, there is no basis for Defendants' withholding of relevant and responsive documents.

In accordance with Civil Local Rule 37-1, Plaintiffs are requesting that you make yourselves available for a telephonic meet and confer to discuss this matter further. I am available the following dates and times, please let me know at your earliest convenience which works best for you:

- Wednesday, June 28th from 9-12 and 1-4
- Thursday, June 29th – all day
- Friday, June 30th – all day
- Monday, July 3rd – all day
- Wednesday, July 5th from 9-12

Tiffany Bacon
Alison Hurley
June 27, 2017
Page 2

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Wolff', with a long horizontal flourish extending to the left.

Samantha Wolff

Attachments

cc: Co-counsel

Exhibit C

Hailey Williams

From: Tiffany L. Bacon
Sent: Monday, July 10, 2017 8:59 PM
To: Samantha Wolff
Cc: Alison Hurley; Kurt A. Franklin; 'Victor Otten'; Lisa M. Pooley; Ann D. Ghorso; Tiffany L. Bacon
Subject: RE: Lunada Bay - Document production

Samantha,

My office has never expressed an unwillingness to produce documents. On the contrary, when we spoke last week, I informed you attempts have been made to obtain records from our clients' phone company with no success to date. I also informed you we would inquire into imaging the data on our clients' cell phones, which we still intend on doing.

I was unable to respond to you today because, as you know, Mr. Otten was taking my client's deposition, which I was defending. I ask that you withdraw the request for a call with Magistrate Judge Oliver and that we further meet and confer on this issue.

Tiffany L. Bacon

Bremer Whyte Brown & O'Meara, LLP
20320 S.W. Birch Street 2nd Floor
Newport Beach, CA 92660
[e:tbacon@bremerwhyte.com](mailto:tbacon@bremerwhyte.com)
t: 949.221.1000
f: 949.221.1001
www.bremerwhyte.com



From: Samantha Wolff [<mailto:SWolff@hansonbridgett.com>]
Sent: Monday, July 10, 2017 11:09 AM
To: Tiffany L. Bacon
Cc: Alison Hurley; Kurt A. Franklin; 'Victor Otten'; Lisa M. Pooley; Ann D. Ghorso
Subject: Lunada Bay - Document production

Tiffany,

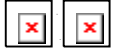
I'm checking back in on Charlie and Frank Ferrara's cell phone bills and text messages. I had hoped to hear from you by the end of last week regarding whether or when we could expect production of this information. Since it seems your clients are unwilling to produce these documents, I will call the Magistrate's clerk and ask for a hearing date this week. I'll let you know what dates/times are available.

Samantha

Samantha Wolff

Partner

Hanson Bridgett LLP
(415) 995-5020 Direct
(415) 995-3547 Fax
swolff@hansonbridgett.com



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Exhibit D

SAMANTHA D. WOLFF
PARTNER
DIRECT DIAL (415) 995-5020
DIRECT FAX (415) 995-3547
E-MAIL swolff@hansonbridgett.com



July 18, 2017

VIA ELECTRONIC MAIL

Tiffany L. Bacon, Esq.
Alison Hurley, Esq.
Bremer Whyte Brown & O'Meara, LLP
20320 W.W. Birch Street 2nd Flr.
Newport Beach, CA 92660

Re: *Spencer, et al. v. Lunada Bay Boys, et al.*

Dear Counsel:

We are in receipt of your recent production and write to advise you of the following deficiencies, which we intend to raise with Magistrate Judge Oliver:

1. The production is heavily redacted, but Defendants Charlie and Frank Ferrara waived any right they may have had to assert any privilege. Moreover, no privilege or redaction log was produced in conjunction with the production. Accordingly, all redactions are inappropriate.
2. It appears the production only contains Frank Ferrara's cell phone bills and text messages, though it is difficult to ascertain due to the significant redactions. To the extent the production omits Charlie Ferrara's cell phone bills and text messages entirely, such an omission is in violation of the Court's order.
3. The production only contains Frank Ferrara's cell phone bills from February 21, 2016 to present, but the document request sought his bills from January 1, 2013 to present. Thus, it appears that over three years' worth of bills are missing from this production.
4. Sang Lee's privilege log references text communications with Frank and/or Charlie Ferrara from 3/30/16-4/12/16, 4/14/16-5/6/16, 6/18/16-7/6/16, and 7/6/16-7/30/16. Yet it appears that no such text messages were included in the production by either Frank or Charlie Ferrara.

We will advise the court of these deficiencies and seek appropriate remedies.

Very truly yours,

A handwritten signature in blue ink, appearing to read "S. Wolff", written over a light blue horizontal line.

Samantha Wolff

SDT

cc: All Counsel

Hanson Bridgett LLP

425 Market Street, 26th Floor, San Francisco, CA 94105

hansonbridgett.com

Hailey Williams

From: Tiffany L. Bacon
Sent: Thursday, July 20, 2017 4:54 PM
To: Samantha Wolff
Cc: Kurt A. Franklin; 'vic@ottenlawpc.com'; Alison Hurley; Ambra S. Jackson; Lisa M. Pooley; Tiffany L. Bacon
Subject: RE: Spencer v. Lunada Bay Boys

Hi Samantha,

Yes, I am available on Monday at 9:30 a.m..

Thank you,

Tiffany L. Bacon
Bremer Whyte Brown & O'Meara, LLP
20320 S.W. Birch Street 2nd Floor
Newport Beach, CA 92660
e:tbacon@bremerwhyte.com
t: 949.221.1000
f: 949.221.1001
www.bremerwhyte.com

-----Original Message-----

From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Wednesday, July 19, 2017 9:21 PM
To: Tiffany L. Bacon
Cc: Kurt A. Franklin; 'vic@ottenlawpc.com'; Alison Hurley; Ambra S. Jackson; Lisa M. Pooley
Subject: RE: Spencer v. Lunada Bay Boys

Hi Tiffany,

Let's talk Monday morning and I will request that the hearing occur on Tuesday if need be. Can you talk Monday at 9:30 or 10?

Thanks,
Samantha

-----Original Message-----

From: Tiffany L. Bacon [mailto:tbacon@bremerwhyte.com]
Sent: Tuesday, July 18, 2017 5:17 PM
To: Samantha Wolff <SWolff@hansonbridgett.com>
Cc: Kurt A. Franklin <kfranklin@hansonbridgett.com>; 'vic@ottenlawpc.com' <vic@ottenlawpc.com>; Alison Hurley <ahurley@bremerwhyte.com>; Ambra S. Jackson <AJackson@hansonbridgett.com>; Lisa M. Pooley <lpooley@hansonbridgett.com>; Tiffany L. Bacon <tbacon@bremerwhyte.com>
Subject: RE: Spencer v. Lunada Bay Boys

Hi Samantha,

I am available on Monday morning to discuss. If you are not available until Monday, I would ask that the telephonic hearing be scheduled for Tuesday, so that we can sufficiently meet and confer on this issue.

Please let me know what time works for you on Monday or, alternatively, what times work for you later on this week.

Thank you,

Tiffany L. Bacon
Bremer Whyte Brown & O'Meara, LLP
20320 S.W. Birch Street 2nd Floor
Newport Beach, CA 92660
e:tbacon@bremerwhyte.com
t: 949.221.1000
f: 949.221.1001
<http://www.bremerwhyte.com>

-----Original Message-----

From: Samantha Wolff [mailto:SWolff@hansonbridgett.com]
Sent: Tuesday, July 18, 2017 4:45 PM
To: Tiffany L. Bacon
Cc: Kurt A. Franklin; 'vic@ottenlawpc.com'; Alison Hurley; Tiffany L. Bacon; Ambra S. Jackson; Lisa M. Pooley
Subject: RE: Spencer v. Lunada Bay Boys

Tiffany,

Are you available Monday and/or Tuesday next week for a telephonic hearing with the judge, if necessary?

Also, can we set up a time to speak Monday morning?

Thanks,
Samantha

From: Tiffany L. Bacon <tbacon@bremerwhyte.com<mailto:tbacon@bremerwhyte.com>>
Date: Tuesday, Jul 18, 2017, 11:11 AM
To: Samantha Wolff <SWolff@hansonbridgett.com<mailto:SWolff@hansonbridgett.com>>
Cc: Kurt A. Franklin <kfranklin@hansonbridgett.com<mailto:kfranklin@hansonbridgett.com>>, 'vic@ottenlawpc.com' <vic@ottenlawpc.com<mailto:vic@ottenlawpc.com>>, Alison Hurley <ahurley@bremerwhyte.com<mailto:ahurley@bremerwhyte.com>>, Tiffany L. Bacon <tbacon@bremerwhyte.com<mailto:tbacon@bremerwhyte.com>>
Subject: FW: Spencer v. Lunada Bay Boys

Samantha,

I am currently attending the deposition of Michael Papayans in this case and am presently unavailable to have a call with you to discuss your letter. The production is redacted to include only relevant information that was requested by Plaintiffs. Moreover, if you review the cell phone bills, you will see that Charlie Ferrara's communications are included in the cell phone bills.

I understand you are out of the office this week; however, I would request that we have a call to further meet and confer regarding the production and your letter. Please let me know when you are available.

Thank you,

Tiffany L. Bacon
Bremer Whyte Brown & O'Meara, LLP
20320 S.W. Birch Street 2nd Floor
Newport Beach, CA 92660
e:tbacon@bremerwhyte.com
t: 949.221.1000
f: 949.221.1001
<http://www.bremerwhyte.com><<http://www.bremerwhyte.com/>>

[cid:image001.jpg@01D2815B.036B33D0]

From: Ambra S. Jackson [mailto:AJackson@hansonbridgett.com]
Sent: Tuesday, July 18, 2017 11:02 AM
To: Tiffany L. Bacon; Alison Hurley
Cc: Kurt A. Franklin; Tyson M. Shower; 'vic@ottenlawpc.com'; 'jacob.song@kutakrock.com'; 'amiller@thephillipsfirm.com'; 'fields@marksfieldslaw.com'; 'peter@havenlaw.com'; 'dana.fox@lewisbrisbois.com'; 'rcooper@buchalter.com'; 'pcrossin@veatchfirm.com'; 'dmcrowley@boothmitchel.com'; 'RDieffenbach@veatchfirm.com'; 'Antoinette.Hewitt@KutakRock.com'; 'Edward.Ward@lewisbrisbois.com'; Hailey Williams; 'macey@bremerwhyte.com'; Ann D. Ghorso
Subject: Spencer v. Lunada Bay Boys

Hello,

Please see attached correspondence for the above referenced matter. Should you have any questions, please do not hesitate to contact our office.

Thank you,
Ambra Jackson
Assistant to Samantha D. Wolff

Ambra S. Jackson

Legal Secretary

Hanson Bridgett LLP

(415) 995-6455 Direct

(415) 541-9366 Fax

AJackson@hansonbridgett.com<mailto:AJackson@hansonbridgett.com>

[<https://www.hansonbridgett.com/img/signature/facebook-clear.png>]<<https://www.facebook.com/HansonBridgettLLP>>

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Exhibit E

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF
SANG LEE
COSTA MESA, CALIFORNIA
MAY 31, 2017

Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB05A10

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)
-----)

Videotaped deposition of SANG LEE, taken on
behalf of the Plaintiffs, at 3420 Bristol Street,
Sixth Floor, Costa Mesa, California, 92626, commencing
at 9:03 a.m., Wednesday, May 31, 2017, before
ANGELIQUE MELODY FERRIO, CSR No. 6979.

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

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22

23 ALSO PRESENT:

24 Barbra Westmore, Videographer

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INDEX

WITNESS: SANG LEE

EXAMINATION BY: PAGE
MS. POOLEY 10

EXAMINATION BY: PAGE
BY MS. BACON 293

EXHIBITS

NUMBER	DESCRIPTION	PAGE
221	Plaintiffs' Notice of Deposition of Defendant Sang Lee Dated May 19, 2017 Consisting of seven pages	17
222	Memo From Sang Lee To John Camplin Dated 1/8/2011 Lee 00000001 - Lee 00000003 Consisting of three pages	88

1
2
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14
15
16
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EXHIBITS CONTINUED:

223	Memo From Sang Lee To Ringer Surfboards Dated 1/10/2011 Lee 00000015 Consisting of one page	140
224	Memo From Sang Lee To Zen Del Rio Dated 1/16/2011 Lee 00000591 Consisting of one page	158
225	Memo From Charlie Mowat To Sang Lee Dated 1/16/2014 Lee 00000595 Consisting of one page	166
226	Memo From Charlie Mowat To Andy Patch Dated 1/17/2014 Lee 00000596 Consisting of one page	172
227	Memo From Sang Lee To Yoaks Wagon Dated 1/17/2014 Lee 00000014 Consisting of one page	177

1 COSTA MESA, CALIFORNIA, WEDNESDAY, MAY 31, 2017
2 9:03 A.M.
3 -000-
4 09:02:39
5 THE VIDEOGRAPHER: Good morning. We're on 09:02:39
6 the record. My name is Barbra Westmore, your 09:02:48
7 videographer. 09:02:51
8 And I represent Atkinson-Baker, Inc., located 09:02:51
9 in Glendale, California. The date is May 31, 2017, 09:02:55
10 and the time is 9:03 a.m. 09:02:59
11 This deposition is taking place at 09:03:02
12 3420 Bristol Street in Costa Mesa, California. The 09:03:05
13 case number is 2:16-CV-02129-SJO, in the matter 09:03:09
14 entitled Corey Spencer versus Lunada Bay Boys. 09:03:19
15 The witness is Sang Lee. And this deposition 09:03:24
16 is being taken on behalf of the Plaintiffs. Your 09:03:26
17 court reporter is Angelique Ferrio. 09:03:29
18 Would counsel please state their appearances 09:03:32
19 for the record. 09:03:34
20 MS. POOLEY: Lisa Pooley, Hansen Bridgett on 09:03:35
21 behalf of the Plaintiff. 09:03:38
22 MR. CROWLEY: Daniel Crowley of Booth, 09:03:39
23 Mitchel & Strange on behalf of Mr. Lee. 09:03:43
24 MR. WARD: Edward Ward, Junior, of Lewis, 09:03:43
25 Brisbois on behalf of Mr. Lee as well. 09:03:45

1 MS. BACON: Tiffany Bacon with Bremer, Whyte, 09:03:48
2 Brown & O'Meara on behalf of Frank Ferrara and 09:03:50
3 Charlie Ferrara. 09:03:52
4 MR. DIEFFENBACH: Richard Dieffenbach for 09:03:52
5 Mr. Brant Blakeman, the Defendant. 09:03:54
6 And I'm getting E-Mails from the woman that 09:03:55
7 just came to the door saying that several of the 09:03:58
8 other attorneys are calling in unsuccessfully and 09:04:00
9 can't hook in, Ms. Hewitt, Mr. Fields, and 09:04:03
10 Mr. Cooper. 09:04:07
11 MS. POOLEY: The phone here indicates that 09:04:14
12 the number is (949) 330-7004. 09:04:17
13 MR. DIEFFENBACH: It's 330-7004. Let me text 09:04:23
14 these people to tell them. 09:04:28
15 BY MS. POOLEY: 09:05:13
16 Q. Mr. Lee, I represent Plaintiffs Corey 09:05:13
17 Spencer, Diana Milena Reed, and the Costal Protection 09:05:17
18 Rangers, Inc., in this lawsuit that they filed 09:05:21
19 against Lunada Bay Boys and the individual members, 09:05:24
20 including you, as well as the City of Palos Verdes 09:05:27
21 Estates and Police Chief Jeff Kepley. 09:05:30
22 Are you represented today by counsel? 09:05:33
23 A. Yes. 09:05:36
24 Q. And who is representing you today? 09:05:38
25 A. Mr. Dan and Ed. 09:05:39

1 Q. Have you ever had your deposition taken 09:05:47
2 before? 09:05:50
3 A. No, Ma'am. 09:05:50
4 Q. Have you ever signed any written statements 09:05:51
5 such as a declaration or affidavit related to any 09:05:56
6 litigation? 09:06:00
7 A. What do you mean? 09:06:01
8 Q. Have you ever signed any documents under 09:06:02
9 oath? 09:06:06
10 A. No, Ma'am. 09:06:06
11 Q. And have you ever testified at a trial? 09:06:07
12 A. No. 09:06:11
13 Q. Have you ever given sworn testimony in any 09:06:12
14 case? 09:06:17
15 A. Sworn testimony? 09:06:17
16 Q. In any matter, excuse me. 09:06:18
17 A. No, Ma'am. 09:06:24
18 MS. POOLEY: Which reminds me, perhaps we
19 should swear in the witness.
20
21 SANG LEE,
22 having first been duly sworn, was
23 examined and testified as follows:
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EXAMINATION

BY MS. POOLEY:

Q. Has the testimony that you've already given 09:06:39
been truthful? 09:06:42

A. Yes, Ma'am. 09:06:42

Q. Okay. So, you've been placed under oath. 09:06:43
And it's the same oath that you would take if you 09:06:47
were testifying in a courtroom in front of a judge or 09:06:51
a jury. 09:06:54

And it has the same force or effect -- force 09:06:55
and effect as if you were testifying in that setting; 09:06:59
do you understand that? 09:07:03

A. Yes, Ma'am. 09:07:04

Q. Okay. The court reporter as she explained a 09:07:04
little bit before we got started is going to take 09:07:08
down everything that is said. The questions that I 09:07:10
ask, your answers, any objections that are made. 09:07:17

And it's important that we try to have one 09:07:19
person talk at a time so that the record is clear. 09:07:22

So, I will ask that you try to wait until I 09:07:26
finish the question before you start your answer. 09:07:30
And I will try to wait for you to finish your answer 09:07:33
before I ask my next question; all right? 09:07:36

A. Okay. 09:07:37

1 A. Yes. 16:31:31

2 Q. Were you actually on the boat during that 16:31:31

3 time? 16:31:33

4 A. No. We were on the cliff. 16:31:33

5 Q. Did you witness the ashes being spread? 16:31:35

6 A. No. He was very far away. The boat was very 16:31:38

7 far away. 16:31:41

8 Q. Okay. Do you know exactly how far out the 16:31:41

9 boat was? 16:31:44

10 A. It was pretty far. 16:31:45

11 Q. Could you estimate or would that be a guess? 16:31:47

12 A. It would be a guess. I think it was -- it 16:31:51

13 was a long time, like in 1984 so. 16:31:59

14 Q. And you also testified earlier that Frank 16:32:03

15 Ferrara was one of the, quote-unquote, older boys as 16:32:05

16 referenced in the E-Mails, meaning, as you stated, 16:32:08

17 he's just been surfing at Lunada Bay longer than you; 16:32:13

18 do you recall that testimony? 16:32:17

19 A. Yes. 16:32:18

20 Q. And you also testified that he has never told 16:32:19

21 you to behave in any certain way when it comes to 16:32:22

22 actions at Lunada Bay? 16:32:25

23 A. Absolutely not, yeah. 16:32:26

24 Q. Have you ever had any communications with 16:32:28

25 Frank Ferrara about preventing persons from visiting 16:32:34

1	Lunada Bay?	16:32:38
2	A. Absolutely not.	16:32:39
3	Q. What about preventing persons from surfing at	16:32:40
4	Lunada Bay?	16:32:43
5	A. Absolutely not.	16:32:44
6	Q. Have you ever had any communications with	16:32:45
7	Charlie Ferrara about preventing any person from	16:32:47
8	surfing at Lunada Bay?	16:32:49
9	A. Absolutely not.	16:32:50
10	Q. Have you ever had any communications with	16:32:50
11	Charlie Ferrara about preventing any persons from	16:32:52
12	visiting Lunada Bay?	16:32:54
13	A. Absolutely not.	16:32:56
14	Q. Have you ever witnessed Charlie Ferrara ever	16:32:58
15	attempt to prevent somebody from visiting Lunada Bay?	16:33:18
16	A. Absolutely not.	16:33:22
17	Q. And what about surfing at Lunada Bay?	16:33:23
18	A. Absolutely not.	16:33:25
19	Q. The same questions for Frank.	16:33:27
20	Have you ever witnessed Frank ever try to	16:33:27
21	attempt to prevent anybody from surfing at Lunada	16:33:29
22	Bay?	16:33:30
23	A. Absolutely not.	16:33:30
24	Q. What about visiting Lunada Bay?	16:33:32
25	A. Absolutely not.	16:33:35

1 MS. BACON: Those are all of the questions 16:33:37
2 that I have. Thank you. 16:33:38
3 MR. CROWLEY: Anybody else in the room? 16:33:39
4 Anybody on the phone? 16:33:42
5 Going once, going twice. 16:33:46
6 MS. POOLEY: Thank you, Mr. Lee. 16:33:51
7 THE WITNESS: Thanks. 16:33:53
8 MS. POOLEY: We may see you again. 16:33:54
9 THE REPORTER: Did you want a copy of the 16:33:54
10 transcript? 16:33:54
11 MR. CROWLEY: Yes, please. 16:34:04
12 MR. DIEFFENBACH: Copy, please. 16:34:11
13 MR. HAVEN: This is Peter Haven on the phone, 16:34:12
14 I would like a copy of the transcript. 16:34:19
15 MS. BACON: Copy of the transcript. 16:34:21
16 MS. HEWITT: Copy of the transcript. 16:34:24
17 THE VIDEOGRAPHER: This concludes the 16:34:33
18 deposition of Sang Lee. The time is 4:34 p.m. and 16:34:34
19 we're off the record. 16:34:38
20 MR. DIEFFENBACH: And I'll take a rough, 16:35:30
21 please.
22 (Whereupon, the deposition
23 of Sang Lee commenced at
24 9:03 a.m. and concluded at
25 4:34 p.m.)

1 STATE OF CALIFORNIA)
)
2 COUNTY OF LOS ANGELES)

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I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions, or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

EXECUTED this _____ day of _____,
20_____, at _____, _____.
(City) (State)

SANG LEE

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REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 1st day of June, 2017.

Angelique Melody Ferrio
CSR No. 6979

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REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
Certified Shorthand Reporter in the State of California,
certify that the foregoing pages are a true and correct
copy of the original deposition of SANG LEE, taken on
Wednesday, May 31, 2017.

I declare under penalty of perjury under the
laws of the State of California that the foregoing is
true and correct.

Dated this 1st day of June, 2017.

Angelique Melody Ferrio
CSR No. 6979

Exhibit F

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF

FRANK FERRARA

IRVINE, CALIFORNIA

JULY 10, 2017

Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A34

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UNITED STATES DISTRICT
COURT CENTRAL DISTRICT OF
CALIFORNIA WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

Videotaped deposition of FRANK FERRARA, taken
on behalf of the Plaintiffs, at Premier Business Center,
2600 Michelson Drive, Suite 1700, Irvine, California,
92612, commencing at 9:46 a.m., Monday, July 10, 2017,
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

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25 VIDEOGRAPHER: ROBERT ADAMS

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INDEX

WITNESS: FRANK FERRARA

EXAMINATION BY:	PAGE
MR. OTTEN	12

EXHIBITS

NUMBER	DESCRIPTION	PAGE
102	Xeroxed Colored Photograph Consisting of one page	44
108	Xeroxed Colored Photograph Consisting of one page	234
113	Xeroxed Colored Photograph Consisting of one page	76
114	Xeroxed Colored Photograph Consisting of one page	88
116	Xeroxed Colored Photograph Consisting of one page	242
119	Xeroxed Colored Photograph Consisting of one page	232
277	Xeroxed Black-And White Photograph Consisting of one page	72

1
2
3
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17
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EXHIBITS CONTINUED:

278	Plaintiffs' Notice of Deposition of Defendant Frank Ferrara Dated June 15, 2017 Consisting of three pages	20
279	Xeroxed Black-And White Photograph Consisting of one page	68
280	Xeroxed Black-And White Photograph Consisting of one page	75
281	Xeroxed Colored Photograph Consisting of one page	92
282	Los Angeles Times Article Collections Consisting of two pages	117
283	Xeroxed Colored Photograph Consisting of one page	129
284	Xeroxed Colored Photograph Consisting of one page	149
285	Surf Magazine Article Consisting of one page	149
286	Teach The Children Well Don Boller, Long Beach Consisting of one page	169

1
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9
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11
12
13
14
15
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24
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EXHIBITS CONTINUED:

287	Today's Lesson: Don't Be A Kook Frank Ferrara, Lunada Bay, Calif. Consisting of one page	174
288	Megan Barnes, Daily Breeze Posted 4/7/16, 7:50 p.m. Consisting of two pages	212
289	Xeroxed Colored Photograph Consisting of one page	233
290	Xeroxed Colored Photograph Consisting of one page	237
291	Xeroxed Colored Photograph Consisting of one page	240
292	Xeroxed Colored Photograph Consisting of one page	244
293	Xeroxed Colored Photograph Consisting of one page	245
294	Xeroxed Colored Photograph Consisting of one page	246
295	Xeroxed Colored Photograph Consisting of one page	248
296	Xeroxed Colored Photograph Consisting of one page	249

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EXHIBITS CONTINUED:

297	Xeroxed Colored Photograph Consisting of one page	251
298	Xeroxed Colored Photograph Consisting of one page	253
299	Xeroxed Colored Photograph Consisting of one page	254
300	Xeroxed Colored Photograph Consisting of one page	254
301	Xeroxed Colored Photograph Consisting of one page	255
302	Xeroxed Colored Photograph Consisting of one page	257
303	Xeroxed Colored Photograph Consisting of one page	261
304	Xeroxed Colored Photograph Consisting of one page	262
305	Xeroxed Colored Photograph Consisting of one page	265
306	Xeroxed Colored Photograph Consisting of one page	266
307	Xeroxed Colored Photograph Consisting of one page	267

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EXHIBITS CONTINUED:

308	Xeroxed Colored Photograph Consisting of one page	267
309	Xeroxed Colored Photograph Consisting of one page	269
310	Xeroxed Colored Photograph Consisting of one page	270
311	Xeroxed Colored Photograph Consisting of one page	271
312	Xeroxed Colored Photograph Consisting of one page	273
313	Xeroxed Colored Photograph Consisting of one page	274

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

PAGE	LINE
230	15
232	7
232	16

1
2
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IRVINE, CALIFORNIA, MONDAY, JULY 10, 2017

9:46 A.M.

-000-

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THE VIDEOGRAPHER: Good morning, everyone.
My name is Robert Adams. I'm your videographer. And
I represent Atkinson-Baker, Incorporated in Glendale,
California.
I'm not financially interested in this action
nor am I a relative or employee of any attorney or
any of the parties.
Today's date is July 10th, 2017. And the
time is 9:46 a.m.
And this deposition is taking place at
2600 Michelson Drive, Suite 1700, Irvine, California,
92612.
This is case number 2:16-cv-02129-SJO (RAOx)
entitled Spencer versus Lunada Bay Boys. The
deponent is Frank Ferrara.
This deposition is being taken on behalf
of the Plaintiffs. And the court reporter is
Angelique Ferrio from Atkinson-Baker.
Counsel will now please introduce themselves.
After all counsel present have introduced themselves,
the witness will be sworn in by the court reporter.

1 This is the beginning of D.V.D. Number One, 09:47:25
2 Volume One. The D.V.D. is running and we are now on 09:47:27
3 the record. 09:47:30
4 MR. OTTEN: My name is Vic Otten. And I 09:47:30
5 represent the Plaintiffs. 09:47:33
6 MS. HEWITT: Antoinette Hewitt for the City 09:47:34
7 and for the Chief Kepley. 09:47:38
8 MS. LUTZ: Tera Lutz for the Defendant 09:47:39
9 Sang Lee. 09:47:41
10 MS. BACON: Tiffany Bacon for Defendants 09:47:41
11 Frank Ferrara and Charlie Ferrara. 09:47:44
12 MR. HAVEN: Peter Haven for Defendant 09:47:47
13 Michael Papayans. 09:47:52
14 MR. COOPER: Robert Cooper of Buchalter for 09:47:55
15 Defendant Brant Blakeman. 09:48:01
16 MS. VU: Jackie Vu for the Defendant 09:48:03
17 Sang Lee. 09:48:06
18 MR. FIELDS: Mark Fields for Defendant 09:48:06
19 Angelo Ferrara and N.F. 09:48:08
20
21 FRANK FERRARA,
22 having first been duly sworn, was
23 examined and testified as follows:
24
25

1		EXAMINATION	
2			09:48:20
3	BY MR. OTTEN:		09:48:20
4	Q. Can you state your full name for the record,		09:48:21
5	please.		09:48:23
6	A. Frank Ferrara.		09:48:23
7	Q. Do you have a middle name?		09:48:25
8	A. I don't use it.		09:48:26
9	Q. But do you have one?		09:48:27
10	A. I have one.		09:48:29
11	Q. What is it?		09:48:30
12	A. Joseph.		09:48:31
13	Q. Joseph?		09:48:31
14	A. Yes.		09:48:35
15	Q. Mr. Ferrara, have you ever had your		09:48:35
16	deposition taken before?		09:48:38
17	A. Yes, I have.		09:48:39
18	Q. On how many occasions?		09:48:40
19	A. Once.		09:48:42
20	Q. How long ago was that?		09:48:42
21	A. Probably about ten years ago.		09:48:44
22	Q. And just without getting into too much		09:48:46
23	detail, what was the nature of it; was it a civil		09:48:49
24	case?		09:48:52
25	A. It was an insurance case which they, I guess,		09:48:52

1	BY MR. OTTEN:	17:03:58
2	Q. Okay.	17:03:59
3	A. I know they're family, maybe not. I see them	17:04:01
4	surfing the left. I think I've seen them surf the	17:04:04
5	Bay a couple of times, but he likes mostly surfing	17:04:09
6	the left.	17:04:12
7	Q. Okay. And do the other brothers that you	17:04:13
8	said surf?	17:04:16
9	A. They don't surf, but they're baseball	17:04:17
10	players.	17:04:19
11	Q. Give me a couple of minutes to look at my	17:04:28
12	notes. And I think that we're probably done --	17:04:31
13	actually, not.	17:04:38
14	Let me refresh your recollection. This	17:04:54
15	lawsuit was filed, I think, March 29, 2016.	17:04:57
16	Do you recall a telephone conversation that	17:05:04
17	you had with Sang Lee on that day?	17:05:06
18	A. I don't know if it was that day, but we had a	17:05:09
19	couple of phone conversations.	17:05:12
20	Q. Let's talk about the first one which I'm	17:05:14
21	going to represent to you from Sang's phone records	17:05:18
22	that there was a conversation with you and a lot of	17:05:23
23	people, actually, on March 30th, right around that	17:05:27
24	time frame.	17:05:31
25	Do you remember what you talked about?	17:05:32

1 A. I think that we just talked a little bit 17:05:33
2 about the case a little bit, but I don't remember 17:05:37
3 exactly what we said to each other. 17:05:40
4 Q. And have you ever spoken with Sang before 17:05:41
5 that -- 17:05:49
6 A. Yes. 17:05:49
7 Q. -- by telephone? 17:05:50
8 A. Yeah. We've talked and texted. I tried to 17:05:51
9 help his mom out and buy a car for them. 17:05:54
10 Actually, from them, I was buying a car from 17:06:12
11 them. 17:06:16
12 Q. And do you recall having another conversation 17:06:16
13 with him in July, just on the phone? 17:06:18
14 A. I believe we did because he was asking me if 17:06:25
15 I had been served or not. And I said that I wasn't 17:06:29
16 served. 17:06:32
17 Q. Anything else that you guys? 17:06:33
18 A. No. 17:06:35
19 Q. Other than Sang Lee, what other Defendants 17:06:35
20 have you discussed the lawsuit with? 17:06:38
21 A. None. 17:06:40
22 Q. None? 17:06:43
23 A. None. 17:06:43
24 Q. Okay. So, do you know if Charlie spoke to 17:06:44
25 Sang? 17:06:50

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(Whereupon, the deposition of
FRANK FERRARA commenced at
9:46 a.m. and concluded at
5:16 p.m.)

1 STATE OF CALIFORNIA)
2)
3 COUNTY OF LOS ANGELES)
4
5

6 I, the undersigned, declare under penalty of
7 perjury that I have read the foregoing transcript, and I
8 have made any corrections, additions, or deletions that
9 I was desirous of making; that the foregoing is a true
10 and correct transcript of my testimony contained
11 therein.
12

13 EXECUTED this _____ day of _____,
14 20_____, at _____, _____.
15 (City) (State)
16
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20 _____
FRANK FERRARA
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REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 10th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

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REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a Certified Shorthand Reporter in the State of California, certify that the foregoing pages are a true and correct copy of the original deposition of FRANK FERRARA, taken on Monday, July 10, 2017.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 10th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

Exhibit G

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF

CHARLES FERRARA

IRVINE, CALIFORNIA

JULY 7, 2017

Atkinson-Baker, Inc.
Court Reporters
www.depo.com
(800) 288-3376

REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A33

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UNITED STATES DISTRICT
COURT CENTRAL DISTRICT OF
CALIFORNIA WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

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LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

Videotaped deposition of CHARLES FERRARA, taken
on behalf of the Plaintiffs, at Premier Business Center,
2600 Michelson Drive, Suite 1700, Irvine, California,
92612, commencing at 9:36 a.m., Friday, July 7, 2017,
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

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10

11 ALSO PRESENT: GARY BOWDEN, VIDEOGRAPHER

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INDEX

WITNESS: CHARLES FERRARA

EXAMINATION BY:	PAGE
MS. WOLFF	10

EXAMINATION BY:	PAGE
MR. GLOS	190

EXHIBITS

NUMBER	DESCRIPTION	PAGE
266	Plaintiffs' Notice of Deposition of Defendant Charlie Ferrara Dated June 15, 2017 Consisting of six pages	13
267	Transcription of recording 12823269.1 Consisting of seven pages	140
268	Xeroxed Colored Photograph Consisting of one page	146
269	Xeroxed Colored Photograph Consisting of one page	148

1
2
3
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13
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15
16
17
18
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EXHIBITS CONTINUED:

270	Xeroxed Colored Photograph Consisting of one page	151
271	Xeroxed Colored Photograph Consisting of one page	153
272	Xeroxed Colored Photograph Consisting of one page	155
273	Xeroxed Colored Photograph Consisting of one page	156
274	Xeroxed Colored Photograph Consisting of one page	178
275	Xeroxed Colored Photograph Consisting of one page	182
276	Xeroxed Colored Photograph Fort Structure in 2016 Consisting of one page	186
277	Xeroxed Black-And-White Photograph Consisting of one page	189

1 INDEX CONTINUED:

2

3 QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

4 PAGE LINE

5

6 16 9

7 77 19

8 175 18

9 176 11

10

11

12 INFORMATION TO BE SUPPLIED:

13 PAGE LINE

14 (NONE)

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1 IRVINE, CALIFORNIA, FRIDAY, JULY 7, 2017
2 9:36 A.M.
3 -000-
4 09:35:44
5 THE VIDEOGRAPHER: Good morning. I'm 09:35:45
6 Gary Bowden, your videographer. And I represent 09:35:47
7 Atkinson-Baker, Incorporated, in Glendale, 09:35:50
8 California. 09:35:50
9 I'm not financially interested in this action 09:35:53
10 nor am I a relative or employee of any attorney or 09:35:56
11 any of the parties. 09:36:00
12 The date is July 7, 2017. And the time is 09:36:02
13 9:36 a.m. This deposition is taking place at 09:36:07
14 Premiere Business Center, 2600 Michelson Drive, 09:36:12
15 Suite 1700, Irvine, California. 09:36:15
16 This is case number 2:16-cv-02129-SJO (RAOx) 09:36:19
17 entitled Spencer versus Lunada Bay Boys. The 09:36:33
18 deponent is Charles Ferrara. And this deposition is 09:36:38
19 being taken on behalf of the Plaintiffs. 09:36:44
20 Counsel will now please introduce themselves. 09:36:49
21 After all counsel present have introduced themselves, 09:36:52
22 the witness will be sworn in by the court reporter. 09:36:55
23 This is the beginning of D.V.D. one, 09:36:59
24 Volume One. The D.V.D. is running and we're now on 09:37:00
25 the record. 09:37:03

1 MS. WOLFF: Good morning. Samantha Wolff on 09:37:04
2 behalf of the Plaintiffs. 09:37:06
3 MS. HURLEY: Good morning. Alison Hurley on 09:37:07
4 behalf of the witness, Charles Ferrara. 09:37:09
5 MS. MCLAUGHLIN: Kristin McLaughlin for 09:37:11
6 Defendant Sang Lee. 09:37:11
7 MR. GLOS: Christopher Glos on behalf of the 09:37:13
8 City and Chief Kepley. 09:37:17
9 MR. FIELDS: On the phone is Mark Fields, 09:37:23
10 attorney for Angelo Ferrara and N.F. 09:37:26
11 MR. COOPER: Robert Cooper on behalf of the 09:37:30
12 Defendant Brant Blakeman. 09:37:32
13
14 CHARLES FERRARA,
15 having first been duly sworn, was
16 examined and testified as follows:
17
18 EXAMINATION
19 09:37:44
20 BY MS. WOLFF: 09:37:44
21 Q. Good morning. 09:37:45
22 A. Good morning. 09:37:45
23 Q. Are you represented by counsel today? 09:37:46
24 A. Yes. 09:37:48
25 Q. And who is your counsel? 09:37:49

1 A. Ms. Bacon -- sorry. 09:37:50

2 MS. HURLEY: That's okay. Tiffany Bacon 09:37:56

3 works in my office. 09:37:58

4 BY MS. WOLFF: 09:38:00

5 Q. Are there any other attorneys representing 09:38:00

6 you other than what you just mentioned? 09:38:03

7 A. No. 09:38:05

8 Q. Can you please spell your name for the 09:38:05

9 record. 09:38:06

10 A. Charles Michael Ferrara, C-h-a-r-l-e-s, 09:38:06

11 M-i-c-h-a-e-l, F-e-r-r-a-r-a. 09:38:08

12 Q. Thank you. 09:38:16

13 Have you ever had your deposition taken 09:38:17

14 before? 09:38:19

15 A. No. 09:38:19

16 Q. Have you ever signed any written documents 09:38:20

17 like a declaration under penalty of perjury before? 09:38:22

18 A. No. 09:38:25

19 Q. Have you ever testified in court before? 09:38:26

20 A. No. 09:38:28

21 Q. So, since you're sort of new to all of this, 09:38:28

22 I'll go over some ground rules. I'm sure that your 09:38:34

23 attorney probably went over some with you, but just 09:38:37

24 so that you understand how the process works. 09:38:39

25 Now, you're under oath which is the same oath 09:38:42

1 in 2010 or no, 2008, I'm sorry. I broke my left arm, 09:53:34
2 another racing incident. 09:53:41

3 And then in 2012, I had a really bad one 09:53:42
4 where I was like had some brain sheering. And I hit 09:53:48
5 my head really hard. 09:53:53

6 And I had to be medevaced out of the track 09:53:55
7 where we were racing. And I was in the hospital for 09:53:58
8 30 days. 09:54:00

9 And then I had to do six months of physical 09:54:01
10 therapy cognitive physical. I had to do, you know, 09:54:04
11 and with that kind of set me back a little bit. 09:54:10

12 I couldn't -- the doctors told me, you're not 09:54:13
13 surfing again like, not to play baseball, not to 09:54:16
14 surf, not to ride a bike. 09:54:19

15 So, I started kind of rehabbing myself and 09:54:22
16 getting better with everything. And I started 09:54:26
17 surfing again, the winter of 2015 is when I started. 09:54:28

18 I started paddling first. That summer I was 09:54:36
19 paddling a lot. And then I kind of worked my way up 09:54:39
20 back to surfing. 09:54:42

21 Q. What does that mean paddling? 09:54:43

22 A. Just like going out with my surfboard going 09:54:45
23 on the beach and paddling for a couple of miles and 09:54:48
24 getting conditioned for it. 09:54:51

25 Q. Understood. So then you've been surfing 09:54:55

1	at Lunada Bay where you see people hanging out before	10:14:20
2	they go surfing at Lunada Bay?	10:14:23
3	A. No.	10:14:25
4	Q. Do you know if there are any plans to rebuild	10:14:26
5	a structure where guys who surf there can hang out?	10:14:28
6	A. No.	10:14:33
7	Q. Have you ever received a text message from	10:14:33
8	someone asking you to meet up at Lunada Bay to go	10:14:39
9	surfing?	10:14:42
10	A. No.	10:14:43
11	Q. Have you ever received a phone call from	10:14:43
12	anyone asking you to meet up at Lunada Bay to go	10:14:45
13	surfing?	10:14:49
14	A. Can you rephrase the question?	10:14:49
15	Q. Has anyone called you and said, hey, do you	10:14:51
16	want to meet up and go surfing at Lunada Bay?	10:14:53
17	A. I've had talks with my dad, if he goes by,	10:14:56
18	we've had those conversations like, hey, the surf	10:15:00
19	looks kind of fun. So, try if you can get out, let's	10:15:03
20	try to surf, you know, yeah, my father, yes.	10:15:07
21	Q. Anyone else?	10:15:10
22	A. No.	10:15:11
23	Q. What about E-Mails, any E-Mails with --	10:15:12
24	A. No.	10:15:14
25	Q. -- friends or family asking you to go	10:15:14

1 surfing? 10:15:16

2 A. No. So, like I'm computer illiterate. I can 10:15:17

3 barely open my E-Mail. It's terrible. 10:15:21

4 Q. Do you ever get text messages asking you to 10:15:25

5 hangout at Lunada Bay? 10:15:28

6 A. No. 10:15:30

7 Q. And these texts, I'm sorry, you said phone 10:15:31

8 calls with your dad about surfing at Lunada Bay, has 10:15:39

9 he called you, would you say, in the past three 10:15:41

10 years? 10:15:43

11 A. Well, before that I wasn't surfing because I 10:15:44

12 had my injuries, but I would say in the last year 10:15:48

13 since '15, '16, there has been a couple of times 10:15:53

14 where I was at work and he would say, try to go 10:15:56

15 straight after work. 10:15:59

16 It's worth it to come down. There's surf or 10:16:00

17 I would drive by and say, dad, there are some waves. 10:16:03

18 It looks like fun. That's basically it. 10:16:07

19 Q. How long is the drive from San Pedro to 10:16:10

20 Lunada Bay? 10:16:13

21 A. Oh, it's like a good, it can be, if there's 10:16:14

22 traffic on 25th Street, sometimes it can be like a 10:16:19

23 half hour, you know, 35 minutes, but it's usually 10:16:23

24 like 15 to 20 minutes. 10:16:29

25 Q. Do you communicate with Sang Lee by cell 10:16:31

1 phone? 10:16:43

2 A. No. 10:16:43

3 Q. Have you ever texted or called him? 10:16:44

4 A. Yes. I used to work with him like a few 10:16:47

5 years ago. We would do some -- he's a roofer. And 10:16:50

6 he had some work for me. So, I worked with him so. 10:16:55

7 Q. Do you recall approximately the dates that 10:16:59

8 you worked with him? 10:17:01

9 A. The years probably, let me think, um, 10:17:02

10 probably 2013 -- well, no, no, it's before that. So, 10:17:10

11 about 2008. And then 2014 a couple little side jobs. 10:17:23

12 That's pretty much it. 10:17:36

13 Q. It's just working with him kind of 10:17:37

14 sporadically? 10:17:40

15 A. Exactly. 10:17:41

16 Q. Other than talking about roofing jobs, it 10:17:42

17 sounds like were there any other times that you 10:17:44

18 communicated with Sang Lee? 10:17:47

19 A. No, no. 10:17:48

20 Q. And that was by text or phone? 10:17:49

21 A. Phone, I believe, phone. 10:17:52

22 Q. And have you communicated with any other 10:17:55

23 Defendant by phone in the past four years? 10:18:05

24 MS. HURLEY: Objection, lacks foundation, 10:18:07

25 calls for speculation, if you even know who the 10:18:09

1 Defendants are. 10:18:13

2 THE WITNESS: Yes, can I just look? 10:18:15

3 BY MS. WOLFF: 10:18:16

4 Q. Yes, please. 10:18:16

5 A. How many years is that? 10:18:17

6 Q. In the past four years? 10:18:18

7 A. Four years -- 10:18:20

8 MS. HURLEY: For the record the witness is 10:18:20

9 referring to only the list of the Defendants on the 10:18:22

10 caption that was part of Exhibit 266. 10:18:24

11 THE WITNESS: So, that would mean that I have 10:18:28

12 talked with Sang Lee because that was in those four 10:18:30

13 years about working. 10:18:32

14 Um, I don't talk to Brant. 10:18:35

15 I haven't talked to Alan. 10:18:40

16 I don't talk to Michael. 10:18:42

17 I've talked to my Uncle Angelo. 10:18:44

18 BY MS. WOLFF: 10:18:47

19 Q. You didn't talk to your Uncle Angelo? 10:18:48

20 A. No. I've talked to Angelo. 10:18:51

21 And I've talked to my dad. 10:18:54

22 And I've talked to Nick. 10:18:55

23 Q. And when you've had discussions with your 10:18:57

24 Uncle Angelo was that about surfing at Lunada Bay? 10:19:08

25 MS. HURLEY: Objection, over broad, vague and 10:19:12

1 ambiguous. 10:19:14

2 THE WITNESS: No. It was about work. 10:19:14

3 BY MS. WOLFF: 10:19:16

4 Q. And the same question with respect to your 10:19:17

5 Cousin Nick, was it ever about surfing? 10:19:21

6 A. No. It's about work. I'm trying to have him 10:19:25

7 work with me a little bit. I'm trying to get him 10:19:29

8 work. 10:19:32

9 Q. You're trying to get your Cousin Nick some 10:19:33

10 work? 10:19:35

11 A. Yeah, a little work, yeah, so. 10:19:35

12 Q. I apologize if I have asked this before. I 10:19:40

13 don't think that I have. 10:19:46

14 Have you ever E-Mailed any Defendant in this 10:19:47

15 lawsuit related to surfing at Lunada Bay within the 10:19:49

16 past four years? 10:19:53

17 A. No. 10:19:55

18 Q. Have you ever E-Mailed any Defendant in this 10:19:55

19 lawsuit about non-locals accessing Lunada Bay in the 10:20:01

20 last four years? 10:20:06

21 A. No. 10:20:07

22 Q. Do you know if there's a day each year when 10:20:07

23 locals come together to pickup trash at Lunada Bay? 10:20:14

24 A. I've heard, I think, on Earth day. I don't 10:20:18

25 know the exact date. We just naturally just try to 10:20:23

1	D-F-T point BB.000082.	12:06:36
2	MS. HURLEY: Okay.	12:06:44
3	BY MS. WOLFF:	12:06:45
4	Q. Do you recall seeing that interaction that's	12:06:45
5	recorded on that video while you were there that day?	12:06:48
6	A. No.	12:06:51
7	Q. Had you gone surfing by then do you think?	12:06:51
8	A. Yeah, yeah.	12:06:54
9	Q. Okay. And again, that was Alan Johnston in	12:06:54
10	the video?	12:06:59
11	A. Yes.	12:07:00
12	Q. Did you hear Brant Blakeman's voice as well	12:07:00
13	in that video?	12:07:03
14	A. Yeah.	12:07:04
15	Q. And those were the two women that you recall	12:07:04
16	seeing that day as well --	12:07:07
17	A. Yes.	12:07:08
18	Q. -- in the video?	12:07:08
19	A. Uh-huh.	12:07:09
20	Q. And you spoke with Ms. Reed on another	12:07:10
21	occasion after that incident; didn't you?	12:07:17
22	A. No.	12:07:20
23	Q. That was the only time that you've ever	12:07:20
24	spoken with her?	12:07:23
25	A. Yeah.	12:07:25

1 Q. Have you ever seen her since then? 12:07:25

2 A. I saw her one other time, yes. 12:07:28

3 Q. Do you remember when that was? 12:07:30

4 A. That was -- I don't remember. It was after 12:07:32

5 that happened, a couple of months, maybe a month 12:07:40

6 after. 12:07:43

7 Q. And what was -- I'm sorry. 12:07:43

8 Where did you see her? 12:07:47

9 A. She was just down at the -- she was at the 12:07:48

10 cliff where we surf down at the Bay and just sitting 12:07:52

11 down there. 12:07:56

12 Q. At the patio? 12:07:56

13 A. Yeah. 12:07:58

14 Q. And what were you doing that day? 12:07:58

15 A. I was surfing. 12:08:00

16 Q. Were you in the water when you saw her? 12:08:01

17 A. No. I came in and I just saw her. She was 12:08:03

18 sitting at the patio and that's all. 12:08:05

19 Q. Did you go to the patio at all? 12:08:08

20 A. No, but I kind of put my stuff by the patio. 12:08:10

21 So, I just saw her there, you know. 12:08:13

22 Q. And you didn't say anything to her? 12:08:15

23 A. No, not one thing. 12:08:18

24 Q. Was anyone else there that day on the patio? 12:08:19

25 I'm sorry. 12:08:23

1 A. There were a couple of people. I don't know 12:08:23
2 exactly who it was, but there were a couple of people 12:08:26
3 there. 12:08:29

4 Q. On the patio with her? 12:08:29

5 A. On the patio, yeah. 12:08:30

6 Q. Do you recall who was there? 12:08:32

7 A. I don't recall who was there exactly, but I 12:08:33
8 know that there were a couple of people. 12:08:36

9 Q. Do you know if they were people that you knew 12:08:38
10 at the time or were they people that you had never 12:08:40
11 seen before? 12:08:43

12 A. I don't know exactly. My stuff wasn't on the 12:08:45
13 patio. She was, you know, there's not that many, 12:08:49
14 she's pretty noticeable in the area. 12:08:53

15 I saw her, that was the girl that I saw that 12:08:56
16 came down the other time. I got my stuff and went up 12:09:00
17 the trail. That's what I usually do. 12:09:04

18 Q. So, you saw her when you were on your way in 12:09:06
19 from surfing? 12:09:10

20 A. Yeah. 12:09:10

21 MS. WOLFF: So, Ms. Reed had a conversation 12:09:13
22 with a surfer at Lunada Bay after the February 13th 12:09:15
23 incident. And she recorded the conversation on her 12:09:20
24 phone. 12:09:22

25 And there's only audio. There's not video to 12:09:23

1 she's going to sit on the beach and take pictures of 12:43:45
2 me surfing. 12:43:50
3 Q. It's understandable. 12:43:50
4 Has anyone sent you videos of yourself 12:43:52
5 surfing? 12:43:56
6 A. No. 12:43:57
7 Q. Have you taken videos of anyone surfing at 12:43:57
8 Lunada Bay? 12:44:01
9 A. No. 12:44:01
10 Q. So, you don't share photographs or videos 12:44:01
11 with people that you surf with? 12:44:10
12 A. No. 12:44:11
13 Q. Can you tell me what efforts you've made to 12:44:12
14 locate prior cell phone bills from January of 2013 to 12:44:26
15 the present time? 12:44:31
16 A. Um, yeah. I just talked to my mom about the 12:44:31
17 AT&T thing. Sorry. What were the dates for that? 12:44:35
18 Q. January of 2013 to the present time. 12:44:39
19 A. Um, yeah, it's getting a hold of Sprint, and 12:44:42
20 before that, so, that was after my accident because 12:44:48
21 that was '12. 12:44:50
22 So, it would have been Sprint and then AT&T. 12:44:51
23 So, the Sprint one they're very hard to deal with 12:44:55
24 them still. 12:45:01
25 They ended up -- I think I'm almost done with 12:45:01

1 paying them off. I've got, AT&T bought the contract 12:45:05
2 from Sprint. So, yeah, it was, it's a little hard 12:45:10
3 dealing with Sprint a little bit. 12:45:15
4 They're not that helpful and neither is AT&T. 12:45:17
5 They don't really want to help me, even give me the 12:45:21
6 files. And I haven't really tried that hard, 12:45:25
7 honestly. 12:45:28
8 Q. Have you personally reached out to -- 12:45:29
9 A. Yes. I try tried to reach out to AT&T and 12:45:30
10 Sprint just one time, but I didn't proceed. I think 12:45:34
11 they were just send you like a booklet and you have 12:45:36
12 to go through. I don't know exactly. 12:45:40
13 My mom tried, yeah. I think that she tried, 12:45:42
14 too, to get something from AT&T because it's on her 12:45:45
15 account. And the Sprint thing I got nowhere with 12:45:49
16 Sprint. 12:45:51
17 Q. And you said that you think that they sent 12:45:51
18 you a booklet; did you receive anything? 12:45:54
19 A. Yeah, I'm sorry, I didn't receive anything. 12:45:56
20 I just know from the Sprint because that was my 12:45:59
21 account. 12:46:02
22 It was just kind of getting, they talk to 12:46:02
23 this person, talk to that person, giving me a run 12:46:05
24 around. 12:46:09
25 And AT&T my mom said it was under her name 12:46:09

1 for her account. So, she just said that she couldn't 12:46:13
2 get something. And I did hear somewhere that maybe 12:46:16
3 sending her a booklet or book with every phone call 12:46:19
4 or text, so, but she never got it. 12:46:23
5 Q. Do you know if she ever followed up? 12:46:26
6 A. I don't think so. 12:46:28
7 Q. And, I'm sorry, I don't remember, when did 12:46:28
8 you switch from Sprint to AT&T; do you remember what 12:46:34
9 year or month? 12:46:37
10 A. It was, not that long ago, um, 2016, like 12:46:38
11 April of 2016. 12:46:50
12 Q. That you switched? 12:46:52
13 A. Yeah. 12:46:53
14 Q. Okay. 12:46:54
15 A. A year ago probably, a little more than a 12:46:55
16 year. 12:47:00
17 Q. And what steps have you taken to locate any 12:47:00
18 photographs that were taken at Lunada Bay? 12:47:07
19 MS. HURLEY: Objection, lacks foundation, 12:47:10
20 vague and ambiguous. 12:47:12
21 BY MS. WOLFF: 12:47:13
22 Q. Let me rephrase that. 12:47:14
23 Have you taken any steps to locate any 12:47:17
24 photographs of Lunada Bay that in your possession? 12:47:18
25 A. No, because I don't take pictures at 12:47:21

1 THE REPORTER: Counsel, do you want a copy
2 of the deposition?

3 MR. GLOS: Yes.

4 MS. VU: No.

5 MR. DIEFFENBACH: Yes.

6 MS. MCLAUGHLIN: Yes.

7 MS. HURLEY: Yes.

8 MR. HAVEN: Yes.

9

10

11 (Whereupon, the deposition of
12 CHARLES FERRARA commenced at
13 9:36 a.m. and concluded at
14 1:40 p.m.)

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1 STATE OF CALIFORNIA)
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2 COUNTY OF LOS ANGELES)

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I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions, or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

EXECUTED this _____ day of _____,
20_____, at _____, _____.
(City) (State)

CHARLES FERRARA

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REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 7th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

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REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
Certified Shorthand Reporter in the State of California,
certify that the foregoing pages are a true and correct
copy of the original deposition of CHARLES FERRARA,
taken on Friday, July 7, 2017.

I declare under penalty of perjury under the
laws of the State of California that the foregoing is
true and correct.

Dated this 7th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

Exhibit H

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

VIDEOTAPED DEPOSITION OF

N.F.

IRVINE, CALIFORNIA

JULY 6, 2017

Atkinson-Baker, Inc.
Court Reporters
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REPORTED BY: ANGELIQUE MELODY FERRIO, CSR NO. 6979

FILE NO: AB06A32

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

- - -

CORY SPENCER, AN INDIVIDUAL;)
DIANA MILENA REED, AN)
INDIVIDUAL; AND COASTAL)
PROTECTION RANGERS, INC.,)
A CALIFORNIA NON-PROFIT PUBLIC)
BENEFIT CORPORATION,)

Plaintiffs,)

vs.)

No.: 2:16-cv-02129-SJO
(RAOx)

LUNADA BAY BOYS; THE INDIVIDUAL)
MEMBERS OF THE LUNADA BAY BOYS,)
INCLUDING BUT NOT LIMITED TO)
SANG LEE, BRANT BLAKEMAN, ALAN)
JOHNSTON AKA JALIAN JOHNSTON,)
MICHAEL RAE PAPAYANS, ANGELO)
FERRARA, FRANK FERRARA,)
CHARLIE FERRARA, ET AL.,)

Defendants.)

-----)

Videotaped deposition of N.F., taken on
behalf of the Plaintiffs, at Premier Business Center,
2600 Michelson Drive, Suite 1700, Irvine, California,
92612, commencing at 9:53 a.m., Thursday, July 6, 2017,
before ANGELIQUE MELODY FERRIO, CSR No. 6979.

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21

Joseph Aldo Bussino, Videographer

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I N D E X

WITNESS: N.F.

EXAMINATION:	PAGE
By MS. WOLFF	9

EXHIBITS

NUMBER	PLAINTIFF'S DESCRIPTION	PAGE
265	Plaintiffs' Notice of Deposition of Defendant N.F. Dated June 15, 2017 Consisting of six pages	14

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER:

PAGE	LINE
13	10

INFORMATION TO BE SUPPLIED:

PAGE	LINE
	(NONE)

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IRVINE, CALIFORNIA, THURSDAY, JULY 6, 2017

9:53 A.M.

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THE VIDEOGRAPHER: Good morning. My name is Joseph Aldo Bussino, your videographer. And I represent Atkinson-Baker, Incorporated in Glendale, California.

I'm a Certified Legal Video Specialist and Notary Public. I'm not financially interested in this action nor am I a relative or an employee of any of the attorneys or any of the parties.

Today's date is July 6th, 2017. And the time on the video monitor is approximately 9:53 a.m.

The deposition is taking place at the Premiere Business Center, 2600 Michelson Drive, Suite 1700, Irvine, California, 92612.

The case number is 2:16-cv-02129-SJO (RAOx) entitled Corey Spencer, et al., versus Lunada Bay Boys, et al. The deponent is N.F.

The deposition is taken on behalf of Plaintiffs' counsel. And your court reporter this morning is Angelique Ferrio, also representing Atkinson-Baker, Incorporated.

Would all counsel present in the room please

1 introduce yourselves for the record and state whom 09:54:25
2 you represent. 09:54:27
3 MS. WOLFF: Good morning, Samantha Wolff from 09:54:28
4 Hanson Bridgett representing the Plaintiffs. 09:54:31
5 MS. SERRATO: Courtney Serrato representing 09:54:33
6 Defendants Charlie Ferrara and Frank Ferrara. 09:54:35
7 MR. WARD: Edward Ward, Junior, on behalf of 09:54:37
8 Sang Lee. 09:54:40
9 MS. HEWITT: Antoinette Hewitt for the City 09:54:41
10 and for Chief Kepley. 09:54:43
11 MR. CAREY: Pat Carey for Alan Johnston. 09:54:44
12 MR. FIELDS: Mark Fields for Angela Ferrera 09:54:48
13 and N.F. 09:54:51
14 THE VIDEOGRAPHER: Would counsel on the phone 09:54:52
15 please identify yourselves for the record. 09:54:54
16 MR. COOPER: Robert Cooper on behalf of 09:54:58
17 Defendant Brant Blakeman. 09:55:00
18 MR. MORRIS: Jeff Morris also on behalf of 09:55:02
19 Brant Blakeman. 09:55:06
20 MS. VU: Jackie Vu on behalf of Sang Lee. 09:55:08
21 THE VIDEOGRAPHER: Would the court reporter 09:55:12
22 please swear in the witness. 09:55:13
23 N.F., 09:55:13
24 having first been duly sworn, was 09:55:13
25 examined and testified as follows: 09:55:13

1	EXAMINATION	09:55:13
2		09:55:25
3	BY MS. WOLFF:	09:55:25
4	Q. Good morning. Are you represented today by	09:55:31
5	counsel?	09:55:34
6	A. Yes.	09:55:34
7	Q. Who is that?	09:55:34
8	A. Mark Fields.	09:55:35
9	Q. Anyone else?	09:55:35
10	A. No.	09:55:36
11	Q. Can you state your name for the record,	09:55:36
12	please.	09:55:38
13	A. N.F.	09:55:38
14	Q. And how old are you today?	09:55:39
15	A. 18.	09:55:41
16	Q. When was your birthday?	09:55:41
17	A. May 18, 1999.	09:55:43
18	Q. When this lawsuit was first filed in March of	09:55:51
19	2016, you were under the age of 18?	09:55:55
20	A. Yes.	09:55:57
21	Q. You're referred to in this case frequently as	09:55:57
22	N.F.; right?	09:56:01
23	A. Yes.	09:56:02
24	MS. WOLFF: So, I'll ask that the transcript	09:56:02
25	refer to you only as N.F. and omit all references to	09:56:04

1 Diana Reed, had a conversation at Lunada Bay with one 13:40:52
2 of the guys who regularly surfs down there. 13:40:55
3 She says it was with Charlie Ferrera, but 13:40:57
4 we've heard that your brother has also taken credit 13:41:00
5 for it. So, I'm going to play you a short clip and 13:41:03
6 ask you some questions about it. 13:41:07
7 A. Okay. 13:41:09
8 MR. FIELDS: And I'll object that I believe 13:41:09
9 that recording was illegally recorded. We're going 13:41:15
10 to be making a motion in limine. 13:41:18
11 So, subject to that, you can ask the 13:41:21
12 questions that you like. 13:41:24
13 MS. WOLFF: Actually, I don't need the 13:41:27
14 content of the video. I don't think that it's 13:41:29
15 necessary. 13:41:36
16 MR. FIELDS: Is that video or audio? 13:41:55
17 MS. WOLFF: There's no audio. 13:41:58
18 MR. FIELDS: This whole line of questioning 13:42:01
19 is subject to objection and that it's illegally 13:42:02
20 recorded. 13:42:05
21 13:42:12
22 (Discussion held off the record.) 13:42:12
23 13:45:06
24 MS. WOLFF: It was produced as bates 13:45:06
25 Plaintiff or it's PLTF 002027. 13:45:07

1	BY MS. WOLFF:	13:45:13
2	Q. Does that voice sound familiar to you?	13:45:13
3	A. Yeah.	13:45:15
4	Q. Who do you think that is?	13:45:15
5	A. My brother.	13:45:17
6	Q. Leo?	13:45:17
7	A. Yeah.	13:45:18
8	Q. You don't think that's Charlie?	13:45:19
9	A. No.	13:45:20
10	Q. And so Leo says, essentially, that everyone	13:45:21
11	gets the wrong vibe because that's the hazing. It's	13:45:26
12	like a fraternity.	13:45:28
13	Do you agree that the group of surfers at	13:45:29
14	Lunada Bay is like a fraternity?	13:45:32
15	A. I don't think that it's like a fraternity.	13:45:35
16	I've never been to a fraternity. I don't think that	13:45:38
17	it's like a fraternity. I've heard how fraternities	13:45:38
18	are.	13:45:45
19	Q. And do you disagree with him that there's	13:45:45
20	hazing?	13:45:48
21	A. I've never had hazing. I've never seen	13:45:48
22	anybody get hazed. It's kind of different how	13:45:52
23	people --	13:45:54
24	MR. FIELDS: You've answered the question.	13:45:55
25	THE WITNESS: Yeah.	13:45:56

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MR. FIELDS: Copy
MR. MORRIS: Copy.
MR. CAREY: Copy.

(Whereupon, the deposition of
N.F. commenced at 9:53 a.m.
and concluded at 2:35 p.m.)

1 STATE OF CALIFORNIA)
)
2 COUNTY OF LOS ANGELES)

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I, the undersigned, declare under penalty of perjury that I have read the foregoing transcript, and I have made any corrections, additions, or deletions that I was desirous of making; that the foregoing is a true and correct transcript of my testimony contained therein.

EXECUTED this _____ day of _____,
20_____, at _____, _____.
(City) (State)

N.F.

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REPORTER'S CERTIFICATE

I, ANGELIQUE MELODY FERRIO, C.S.R. NO. 6979, a
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken
before me at the time and place therein set forth, at
which time the witness was put under oath by me;

That the testimony of the witness and all
objections made at the time of the examination were
recorded stenographically by me and were thereafter
transcribed;

That the foregoing is a true and correct
transcript of my shorthand notes so taken.

I further certify that I am not a relative or
employee of any attorney or of any of the parties, nor
financially interested in the action.

I declare under penalty of perjury under the
law of the State of California that the foregoing is
true and correct.

Dated this 6th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

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REPORTER'S CERTIFICATION OF CERTIFIED COPY

I, ANGELIQUE MELODY FERRIO, CSR No. 6979, a
Certified Shorthand Reporter in the State of California,
certify that the foregoing pages are a true and correct
copy of the original deposition of N.F., taken on
Thursday, July 6, 2017.

I declare under penalty of perjury under the
laws of the State of California that the foregoing is
true and correct.

Dated this 6th day of July, 2017.

Angelique Melody Ferrio
CSR No. 6979

Exhibit I

1 Mark C. Fields (#100668)
2 Law Offices of Mark C. Fields, APC
3 333 So. Hope Street, 35th Floor
4 Los Angeles, California 90071
5 Tel: (213) 617-5225
6 Fax: (213)629-4520
7 Email: fields@markfieldslaw.com

8 Attorneys for Defendants
9 Angelo Ferrara and N.F.

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION
12

13 CORY SPENCER, an individual;
14 DIANA MILENA REED, an
15 individual; and COASTAL
16 PROTECTION RANGERS, INC., a
17 California non-profit public benefit
18 corporation;

19 Plaintiffs,

20 v.

21 LUNADA BAY BOYS; THE
22 INDIVIDUAL MEMBERS OF THE
23 LUNADA BAY BOYS, including but
24 not limited to SANG LEE, BRANT
25 BLAKEMAN, ALAN JOHNSTON aka
26 JALIAN JOHNSTON, MICHAEL
27 RAE PAPAYANS, ANGELO
28 FERRARA, FRANK FERRARA,
CHARLIE FERRARA, and N.F.; CITY
OF PALOS VERDES ESTATES;
CHIEF OF POLICE JEFF KEPLEY, in
his representative capacity; and DOES 1
- 10,

Defendants.

Case No. 2:16-cv-2129-SJO (RAOx)
The Hon. S. James Otero, Ctrm. 10C

**DECLARATION OF LEO FRANK
FERRARA**

Action Commenced: 3/29/2016
Trial Date: 11/7/2017

2136294520

02:03:28 p.m. 04-14-2017

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DECLARATION OF LEO FRANK FERRARA

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I, Leo Frank Ferrara, declare:

1. The facts set forth in this declaration are personally known to me and I have first-hand knowledge of them. I am twenty-one years old, and not a party to this action. If called as a witness to testify, I could and would testify competently to the same.

2. I have listened to the audio recording of a conversation between Plaintiff Diana Milena Reed and a person who she has mistakenly identified as my cousin, Charlie Ferrara. I am the person whom Ms. Reed is speaking to during that conversation.

3. Ms. Reed made the audio recording of my conversation with her surreptitiously and without my consent.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th of April, 2017, at Palos Verdes Estates, California.



LEO FRANK FERRARA

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PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 20320 S.W. Birch Street, Second Floor, Newport Beach, California 92660.

On August 15, 2017, I served the within document(s) described as:

DECLARATION OF TIFFANY BACON IN SUPPORT OF FRANK FERRARA'S AND CHARLIE FERRARA'S OPPOSITION TO PLAINTIFFS' MOTION FOR ADMINISTRATIVE RELIEF PURSUANT TO FRCP 56(d)

on the interested parties in this action as stated on the attached mailing list.

(BY ELECTRONIC MAIL SERVICE) Based upon CRC Rule 2.251 or an agreement of the parties to accept electronic service I caused such document(s) to be Electronically Mailed through Bremer, Whyte, Brown & O'Meara electronic mail system for the above entitled case. Should your office require a hard copy of said document, please contact our office.

Executed on August 15, 2017, at Newport Beach, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Hailey Williams
(Type or print name)


(Signature)

Cory Spencer v. Lunada Bay Boys et al.,

Case No. 2:16-cv-2129-SJO

BWB&O CLIENT: Frank and Charlie Ferrara
BWB&O FILE NO.: 1178.176

SERVICE LIST

<p>Samantha Wolff, Esq. HANSON BRIDGETT 425 Market Street 26th Floor San Francisco, CA 94105 (415) 777-3200 (415) 541-9366 Fax Attorneys For PLAINTIFF</p> <p>swolff@hansonbridgett.com kfranklin@hansonbridgett.com</p>	<p>Tyson M. Shower, Esq. HANSON BRIDGETT 500 Capitol Mall Suite 1500 Sacramento, CA 95814 (916) 442-3333 (916) 442-2348 Fax Attorneys For PLAINTIFFS</p> <p>tshower@hansonbridgett.com</p>	<p>Victor Otten, Esq. OTTEN LAW, PC 3620 Pacific Coast Highway Suite 100 Torrance, CA 90505 (310) 378-8533 (310) 347-4225 Fax Attorneys For PLAINTIFFS</p> <p>vic@ottenlawpc.com</p>
<p>Jacob Song, Esq. KUTAK ROCK LLP 5 Park Plaza Suite 1500 Irvine, CA 92614 (949) 417-0999 (949) 417-5639 Attorney For CITY OF PALOS VERDES ESTATES and JEFF KEPLEY, in his representative capacity, serves as the Chief of Police Department of Defendant City of Palos Verdes Estates.</p> <p>jacob.song@kutakrock.com</p>	<p>J. Patrick Carey, Esq. LAW OFFICE OF PATRICK CAREY 1230 Rosecrans Avenue Suite 270 Manhattan Beach, CA 90266 (310) 526-2237 (310) 356-3671 Fax Attorney For ALAN JOHNSTON individual member of LUNADA BAY BOYS aka JALIAN JOHNSTON</p> <p>pat@patcareylaw.com</p>	<p>Aaron G. Miller, Esq. THE PHILIPS FIRM 800 Wilshire Boulevard Suite 1550 Los Angeles, CA 90017 (213) 244-9913 (213) 244-9915 Fax Attorneys For ANGELO FERRARA</p> <p>amiller@thephillipsfirm.com</p>
<p>Mark Fields, Esq. LAW OFFICES OF MARK C. FIELDS 333 So. Hope Street Suite 3500 Los Angeles, CA 90071 (213) 617-5225 (213) 629-2420 Fax Attorney For ANGELO FERRARA an individual member of LUNADA BAY BOYS and N.F. an individual member of LUNADA BAY BOYS</p> <p>fields@markfieldslaw.com</p>	<p>Peter R. Haven, Esq. HAVEN LAW 1230 Rosecrans Avenue Suite 300 Manhattan Beach, CA 90266 (310) 272-5353 (213) 477-2137 Fax Attorneys For MICHAEL RAY PAPAYANS</p> <p>peter@havenlaw.com</p>	<p>Dana Alden Fox, Esq. LEWIS BRISBOIS BISGAARD & SMITH, LLP 633 W. 5th Street Site 4000 Los Angeles, CA 90071 (213) 580-3858 (213) 250-7900 Fax Attorneys For SANG LEE</p> <p>Dana.Fox@lewisbrisbois.com</p>